

TRINITY & FARSIYOU, LLC

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Attorneys for Defendants, Lawrence Garafola and Facts Technology, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

SANDHILLS GLOBAL, INC.,

Plaintiffs,

v.

LAWRENCE GARAFOLA, individual, and
FACTS TECHNOLOGY, LLC, a New Jersey
limited liability company,

Defendants.

Civil Action No.: 19-cv-20669

**CERTIFICATION OF
STEVEN D. FARSIYOU, ESQ.**

I, Steven D. Farsiou, of full age, certify as follows:

1. Attached hereto as **Exhibit C** is a true and exact copy the Certification of Eric Dyess. I have conferred with Mr. Dyess and he has confirmed that his signature is authentic.
2. Attached hereto as **Exhibit D** is a true and exact copy the excel spreadsheet comparing Equipmentfacts and Facts Technology.
3. Attached hereto as **Exhibit E** is a true and exact copy of the N.J. Business information pertaining to Facts Technology, LLC.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

TRINITY & FARSIU, LLC
Attorneys for Defendants

Dated: 12/10/19



STEVEN D. FARSIU

Exhibit C

TRINITY & FARSIU, LLC

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Defendants.

Civil Action No.: 19-cv-20669

**CERTIFICATION OF
ERIC DYESS**

I, Eric Dyess, of full age, certify as follows:

1. I submit this Certification in support of Defendants' opposition to Plaintiff's Application for a Temporary Restraining Order ("TRO") and Preliminary Injunction.
2. I am one of the owners of Permian International Energy Services, LLC ("Permian").
3. I was advised that the Plaintiff in the above-referenced matter has made the allegation that Permian was a "long-standing" customer of Plaintiff.
4. This contention is not factually accurate.
5. Permian has been doing business since October 3, 2018. It was a whole new company with no track record. I could have picked anybody to do business with as for our auctions.
6. I sought out Defendant, Larry Garafola, because he is familiar with oilfield auctions, something Plaintiff does not have.

7. It should also be noted that our online bidding provider of choice is Proxibid, which is a direct competitor of the Plaintiff.

8. Defendant, Larry Garafola, did not solicit the business of Permian.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated:

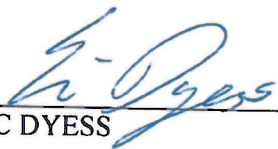

ERIC DYESS

Exhibit D

Comparison of the functionality and contents of Equipmentfacts vs. Facts Technology/AuctioneerFacts

Number	Task/Function	Equipmentfacts	Equipmentfacts URL	Facts Technology/AuctioneerFacts	Facts Technology/AuctioneerFacts
1	Bidder Registration	Yes	https://www.equipmentfacts.com/sso/registration?to=http%3a%2f%2fwwww.equipmentfacts.com%2f	No	None
2	Bidder Login	Yes	https://www.equipmentfacts.com/sso/login?to=http%3a%2f%2fwwww.equipmentfacts.com%2f	No	None
3	Auction Calendar	Yes	https://www.equipmentfacts.com/events/upcoming	No	None
4	My Account	Yes	https://www.equipmentfacts.com/account	No	None
5	Dealer Login	Yes	https://www.equipmentfacts.com/#	No	None
6	Find Auctioneers	Yes	https://www.equipmentfacts.com/auctioneers/list	No	None
7	Auction Alerts	Yes	https://www.equipmentfacts.com/alert/preferences	No	None
8	Search Function	Yes	https://www.equipmentfacts.com/listings/construction-equipment/auctions/online/search	No	None
9	Find Auctioneers	Yes	https://www.equipmentfacts.com/auctioneers/list	No	None

10	Browse Auctions	Yes	https://www.equipmentfacts.com/events/upcoming	No	None
11	Browse Auction Results	Yes	https://www.equipmentfacts.com/events/past	No	None
12	Auction Terms & Conditions	Yes	https://www.equipmentfacts.com/#	No	None
13	Sale Catalog Link	Yes	https://www.equipmentfacts.com/listings/auctions/online/event/183308933/list	No	None
14	View Auctioneer Information	Yes	https://www.equipmentfacts.com/events/upcoming/gilberts-sale-yard?crmid=7778013	No	None
15	Email Sale Catalog	Yes	https://www.equipmentfacts.com/email/email-page?prepage=http%3a%2f%2fwwww.equipmentfacts.com%2flistings%2fauctions%2fonline%2fevent%2f183308933%2flist	No	None
16	Print Sale Catalog	Yes	https://www.equipmentfacts.com/listings/auctions/online/event/183308933/list	No	None
17	Email Seller	Yes	https://www.equipmentfacts.com/email/construction-equipment/dealer/3173883?ReferenceType=ohid&ReferenceID=188722889	No	None

			https://www.equipmentfacts.com/events/past/gilberts-sale-yard?crmId=7778011	No	None
18	Auction Results	Yes	https://www.equipmentfacts.com/#	No	None
19	Category Listing	Yes	https://www.equipmentfacts.com/events/watchlist/auctions/online	No	None
20	View Watch List	Yes	https://www.equipmentfacts.com/events/add/watchlist/183308933?To=%2f	No	None
21	Save Auction	Yes	https://www.equipmentfacts.com/info/contact-us	Yes	https://factstechnologyllc.com/contact-us
22	Contact Us	Yes			

There are 22 functions or sections of both websites identified above and the only common one is #22, Contact Us. There is no way whatsoever that anyone can state that these two websites are identical, that they provide the same level of service.

Exhibit E



STATE OF NEW JERSEY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
BUSINESS NAME SEARCH

[Search Types](#) [Help](#)

Business Name Search

Search Criteria

Business Name *

FACTS TECHNOLOGY

Use "%" as a wildcard

Required Fields [*]

Search →

X Cancel

Show 10 ▾ entries

Business Name	Entity Id	City	Type	Incorporated Date
FACTS TECHNOLOGY LIMITED LIABILITY COMPANY	0400035572	BRANCHBURG	LLC	8/3/2003
FACTS TECHNOLOGY LLC	0450418069	FLEMINGTON	LLC	9/16/2019

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